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|--|---------------------------|---|--------------------------------------|
| B 104 (Rev. 2/92) | | ADVERSARY PROCEEDING NUMBER (Court Use Only) | |
| ADVERSARY PROCEEDING COVER SHEET (Instructions on reverse) | | | |
| PLAINTIFFS | | DEFENDANTS | |
| ATTORNEYS (Firm Name, Address and Telephone No.) | | ATTORNEYS (If known) | |
| PARTY (Check one box only) <input type="checkbox"/> 1 U.S. PLAINTIFF <input type="checkbox"/> 2 U.S. DEFENDANT <input type="checkbox"/> 3 U.S. NOT A PARTY | | | |
| CAUSE OF ACTION (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED) | | | |
| NATURE OF SUIT (Check the most appropriate box only.) | | | |
| <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> <input type="checkbox"/> 454 To Recover Money or Property <input type="checkbox"/> 435 To Determine Validity, Priority, or Extent of a Lien or Other Interest in Property <input type="checkbox"/> 458 To Obtain approval for the sale of both the interest of the estate and of a co-owner in property. <input type="checkbox"/> 424 To Object or Revoke a discharge 11 U.S.C. §727 </div> <div style="width: 33%;"> <input type="checkbox"/> 455 To revoke an order of confirmation of a Chap. 11, Chap. 12 or Chap. 13 Plan <input type="checkbox"/> 426 To determine the dischargeability of a debt 11 U.S.C. §523 <input type="checkbox"/> 434 To obtain an injunction or other equitable relief <input type="checkbox"/> 457 To subordinate any allowed claim or interest except where such subordination is provided in a plan. </div> <div style="width: 33%;"> <input type="checkbox"/> 456 To obtain a declaratory judgement relating to any of foregoing causes of action <input type="checkbox"/> 459 To determine a claim or cause of action removed to a bankruptcy court <input type="checkbox"/> 498 Other (specify) </div> </div> | | | |
| ORIGIN OF PROCEEDINGS (Check one box only) | | <input type="checkbox"/> 1 Original Proceeding <input type="checkbox"/> 2 Removed Proceeding <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from Another Bankruptcy Court | |
| | | <input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P 23 | |
| DEMAND | NEAREST THOUSAND \$ | OTHER RELIEF SOUGHT | <input type="checkbox"/> JURY DEMAND |
| BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES | | | |
| NAME OF DEBTOR | | BANKRUPTCY CASE NO. | |
| DISTRICT IN WHICH CASE IS PENDING | DIVISIONAL OFFICE | | NAME OF JUDGE |
| RELATED ADVERSARY PROCEEDING (IF ANY) | | | |
| PLAINTIFF | | DEFENDANT | ADVERSARY PROCEEDING NO. |
| DISTRICT | DIVISIONAL OFFICE | | NAME OF JUDGE |
| FILING FEE (Check one box only.) <input type="checkbox"/> FEE ATTACHED <input type="checkbox"/> FEE NOT REQUIRED <input type="checkbox"/> FEE IS DEFERRED | | | |
| DATE | PRINT NAME Scott Lemke | SIGNATURE OF ATTORNEY (OR PLAINTIFF) /s/ Scott Lemke | |

LEMKE & PEDERSON
Scott Lemke SBN12192950
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McKinney Texas 75069
972-562-1210
Attorneys for Debtor

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

IN RE: **Linda Ann Wagner**
Debtor

Linda Ann Wagner
Plaintiff

v. **Medallion Construction,
Federal National Mortgage Assoc,
Norwest Home Imp, and
Americas Servicing Co**
Defendants

BANKRUPTCY NO. 04-41675
Chapter 7

ADVERSARY NO. _____

Estimated time: 1/2 hour

COMPLAINT TO DETERMINE VALIDITY OF LIEN
AND DESIGNATION OF WITNESSES AND EXHIBITS

Jurisdiction of this matter is conferred on the court by 28 USC §1334, and this complaint constitutes a core proceeding.

This action is brought pursuant to 28 USC §157b(2)(K).

The plaintiff is the debtor in the above-entitled case under Chapter 7 of the Bankruptcy Code filed in this court on April 5, 2004.

Respondents, Medallion Construction, Federal National Mortgage Assoc, Norwest Home Imp, and Americas Servicing Co, held, holds, or services claim against the debtor in the amount of \$21,273.60.

Respondents claim security interest in real estate commonly known as 3308 Farm Market 547, Farmersville, Collin County, Texas.

Debtor has not executed deed of trust note or Deed of Trust.
Respondents have not recorded same. The lien is invalid.

The existence of the lien on Debtors property impairs exemptions to which Debtor would be entitled under the appropriate state or federal law.

DESIGNATION OF WITNESSES AND EXHIBITS

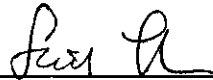
Movant hereby submits the following witnesses and exhibits for any preliminary and/or final hearing on this motion:

WITNESSES

(1) Movant, Linda Ann Wagner

WHEREFORE, the debtor requests the court set this complaint for hearing, and upon hearing, determine that said lien is invalid.

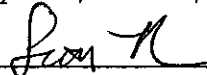
Respectfully Submitted,



Scott Lemke #12192950
Janet Pederson #15715400
LEMKE & PEDERSON
201 S McDonald St Ste E
McKinney Texas 75069
972-562-1210

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing document shall be served by electronic means, if available, otherwise by first class United States Mail on or before May 26, 2004, to:



United States Trustee
110 N College Ave Ste 300
Tyler TX 75702

Mark A Weisbart
5950 Sherry Ln Ste 222
Dallas TX 75225

Felicia M Sanov
Barrett Burke Wilson Castle Daffin Frappier
1900 St James Place Ste 500
Houston TX 77056